



PATENT  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re PATENT APPLICATION of:

BROWN

Application No.: 09/936,758

Filed: November 15, 2001

FOR: AMIDE DERIVATIVES

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)  
) Group Art Unit: 1626  
)  
) Examiner: SAEED, Kamal A.  
)  
)

Commissioner for Patents  
U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

Date: November 14, 2003

Sir:

**RESPONSE**

This is in response to the Office Action dated May 14, 2003, the time for responding to which has been extended to and including November 14, 2003, by the petition and authorization for fee payment submitted herewith.

***Summary of Telephone Interview with Examiner***

The undersigned thanks Examiner Saeed for the telephone interview on November 13, 2003, during which an apparent misunderstanding was resolved and allowability of elected subject matter was indicated.

In summary, the undersigned initiated the telephone conference to discussed what appeared to be a misunderstanding in the Office Action of May 14, 2003 with respect to the elected species and applicants' proposed and elected Group VII as set forth in applicants'

Response to Restriction Requirement and Preliminary Amendment filed January 6, 2003.

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The presence of a misunderstanding was apparent from the fact that the Group that the Examiner defined around applicants' elected species in his May 14, 2003 Action did not encompass the elected species. After an initial telephone discussion on November 13, 2003 in which this point was raised, it is understood that Examiner Saeed reviewed the application file. In a further telephone interview later that day, Examiner Saeed agreed to applicants' proposed Group VII, and agreed that the claims would be allowable if all claims were limited to the compound definition of Group VII. The undersigned agreed to so limit the claims.

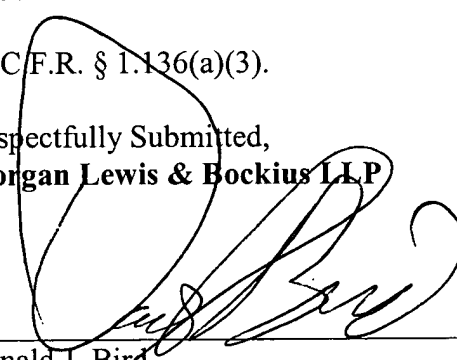
Upon further review of the application file, and particularly applicants' Response to Restriction Requirement and Preliminary Amendment filed January 6, 2003, the undersigned believes that the claims as there amended are limited to the compound definition of proposed Group VII, and that no further amendment is needed to place the claims in condition for allowance. In particular, the Examiner's attention is drawn to amended claims 1-3, 5-10 and 12 at pages 3-17 of the January 6, 2003 Response (claims 4 and 11 having been cancelled), and to the Appendix at pages 20-40 of that Response where the specific amendments made to these claims are shown by bold underlined or bold bracketed text. However, if the Examiner believes that further amendment is required to these claims to limit them to the scope of Group VII, it is respectfully requested that the Examiner telephone the undersigned in order to expedite the resolution of any remaining issues.

In view of the telephone interview between the Examiner and the undersigned as summarized above, and the claim amendments made in applicants' January 6, 2003 Response, it is believed that all claims are limited to the agree-to and elected invention of

Group VII, and are now in condition for allowance. A notice to that effect is therefore respectfully requested.

**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Director is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully Submitted,  
**Morgan Lewis & Bockius LLP**



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